



Editor's Note

Dear Readers,



Welcome to the first-ever issue of the University of Maryland, Baltimore County Law Review! As this year's Editor-in-Chief, I am greatly honored to help establish a platform where students can engage in legal discourse, share original scholarship, and contribute to UMBC's growing excellence in social sciences. This inaugural issue is the result of the dedication, collaboration, and hard work of our incredible team. I want to extend my sincerest gratitude to our Managing Editor, Mehak F. Rizvi; Senior Editors Sedat Sefik & Qamrym Askew; Associate Editor Evelyn Pearce; and our website designer, Mohammed Wajahat. Last but not least, I am incredibly grateful to our writers, Anahita Abraham, Audrey Grutzik, Khizar Qazi, Juliana Blakely, Darell Jean-Louis, Priya Giri, Johann Rojas-Monroy, and Aminah Anderson for making this publication a reality.

I am deeply honored to serve as the Managing Editor-in-Chief for the first issue of the UMBC Law Review. In this edition, we are proud to showcase a variety of topics that examine law from many angles. Our writers dive into global issues like human rights, international relations, and criminal justice, as well as constitutional law and personal injury. Moving forward, we warmly welcome submissions on any legal topic, and we hope these pieces spark great conversations and inspire you to write for our future issues.

Mehak F. Rizvi
Managing Editor





Privacy or Protection: Mass Surveillance as a Government Tool

Audrey Grutzik, Khizar Qazi, Priya Giri, Anahita Abraham

I. Abstract

Mass surveillance of populations is used as a tool by many governments in order to protect the national security of their citizens. However, this justification becomes questionable once mass surveillance programs begin monitoring innocent civilians and invading their privacy under the guise of protecting against foreign threats. This article explores the contemporary applications of governmental mass surveillance as a tool in the growing digital age, and posits that the monitoring of innocent civilians is immoral through its presumption of guilt of every American citizen. We argue that government mass surveillance programs are morally wrong because they violate the human right to privacy, chill free speech and expression, and perpetuate bias toward marginalized communities. First, we discuss the pertinent legal background, beginning with the establishment of the Foreign Intelligence Surveillance Act of 1978 through the more contemporary Reforming Intelligence and Securing America Act of 2024. Then, we analyze the current usage of mass surveillance programs, including social media monitoring and disinformation regulation. Finally, we conclude that government mass surveillance programs are immoral through disproportionately affecting marginalized communities and revoking civil liberties that are constitutionally guaranteed.



I. Introduction

June of 2013 was a turning point in the debate surrounding government mass surveillance. Edward Snowden revealed to the public that the National Security Agency had been surveilling the electronic communications of Americans (Geiger, 2018). In recent times, surveillance technology has expanded dramatically. With the introduction of Artificial Intelligence (AI) and other technologies, it has become easier than ever for governments to monitor what their citizens are doing (West, 2025). In this article, we argue that government mass surveillance programs are morally wrong because they violate the human right to privacy, chill free speech and expression, and perpetuate bias toward marginalized communities. First, we discuss the pertinent legal background surrounding these issues. Then, we analyze the current usage of mass surveillance programs against this background. Finally, we conclude that government mass surveillance programs are immoral.

-
1. See Foreign Intelligence Surveillance Act of 1978, 50 U.S.C. §§ 1801–1811.
 2. Reforming Intelligence and Securing America Act of 2024, Pub. L. No. 118-49, 138 Stat. 862.
 3. See Geiger, *Snowden Revelations* (2018).
 4. Darrell M. West, *Digital Surveillance in the Age of AI* (2025).
-

II. Legal Background



Central to the debate surrounding mass surveillance is the right to privacy. This right was first established in the Supreme Court case *Griswold v. Connecticut* (1965). In *Griswold*, the Supreme Court found that the right to privacy is an implied right that is derived from the First, Third, Fourth, Fifth, and Ninth Amendments, where personal protections are stated (Cornell Law School LII). The right to privacy was expanded in cases such as *Roe v. Wade* (1973) and *Lawrence v. Texas* (2003); however, recent rulings such as *Dobbs v. Jackson Women’s Health Organization* (2022) have raised concerns about the Supreme Court potentially fully overturning the established right to privacy.

-
1. *Griswold v. Connecticut*, 381 U.S. 479 (1965).
 2. *Id.* at 484 (finding the right to privacy is derived from the First, Third, Fourth, Fifth, and Ninth Amendments).
 3. *Roe v. Wade*, 410 U.S. 113 (1973).
 4. *Lawrence v. Texas*, 539 U.S. 558 (2003).
 5. *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215 (2022).
-

III. Analysis

Mass surveillance of Americans by the United States government has manifested in a variety of ways today. While before it was primarily financial transactions and cellphone records, contemporary digital regulation capitalizes on social media trends in order to influence public opinion. One such manifestation has been referred to by scholars as “digital



authoritarianism,” whereby control of the digital sphere by governments allows for the manipulation of how information is released and whether that information is truthful or not (Maerz 2025). This act is distinguished by deliberately flooding systems, primarily during elections, to influence public opinion. In court, however, manipulation of digital spaces by government entities evokes concerns surrounding Americans’ right to privacy and the censorship that comes with monitoring digital content. In the Supreme Court case *Murthy v. Missouri* (2024), the Court ruled 6-3 that the Biden Administration did not coerce social media companies to suppress free expression by asking them to remove misleading posts, specifically pertaining to COVID-19. While this ruling supported reducing the dissemination of disinformation regarding the virus, its implications for collusion between social media companies and government entities remain uncertain. With the current administration maintaining close relationships with executives of major technology corporations, including Meta, Tesla, TikTok, Microsoft, Amazon, and more, *Murthy v. Missouri*’s significance grows, as do concerns advocating for a separation between government entities and public-facing technologies.

Governmental mass surveillance, it is argued, also inhibits free expression through the chilling effect, a phenomenon in which people alter how they express themselves after realizing that they are being observed. The chilling effect plays an important role by suppressing behaviors in the context of contemporary mass surveillance. For example, studies and surveys post-Snowden document measurable declines in searches for sensitive, but legal, topics (Junagade 2026). This fear that exists within American citizens, scholars argue, is antithetical of the First Amendment protections of free speech and expression. In an increasingly polarized and contentious political climate, civil rights advocates posit that surveillance of Americans can be used as a tool for political violence, disproportionately affecting protestors, journalists, or even



other members of Congress. This argument, however, faces pushback from the Supreme Court case *Laird v. Tatum* (1972), in which the Court ruled 5-4 that the U.S. Army's collection of data on domestic political activity did not showcase an objective harm or threat of specific future harm, and any effect of chilling was too speculative to hold solid legal ground. Though this decision suggests that government mass surveillance does not constitute a legal controversy through the chilling effect, modern-day digital surveillance programs may not apply, as research around the phenomenon has grown in the past five decades, with government mass surveillance continuing to be challenged in court. The occurrence of the chilling effect in and of itself emphasizes how deliberate, yet discrete, government suppression of free expression can be employed and may hold well in court against the implementation of mass surveillance programs.

While the First Amendment alone provides a solid legal basis against mass surveillance, the risks do not stop there. Section 702 of FISA, for example, authorizes the U.S. government to surveil unaware Americans without a warrant. Though most would consider this a blatant violation of the Fourth Amendment, courts tend to be divided on what is classified as a warrantless search as opposed to a probable cause investigation. This foundation has been used as a legal argument in the court case *Smith v. Maryland* (1979), which held that the installation of a pen register — a device recording all phone calls from a telephone line — by law enforcement does not violate the Fourth Amendment because these numbers would, regardless, be recorded by the phone company. However, *Carpenter v. United States*, 585 U.S. 296 (2018), explores the limitations of this argument, holding by a narrow 5-4 majority that the government's acquisition of cell-site records violated the protections against warrantless searches and seizures. Chief Justice John Roberts in the majority opinion acknowledged that the Fourth Amendment not only protects against warrantless searches and seizures, but also “reasonable expectations of



privacy”. What defines reasonable expectations of privacy has long been debated, but contemporary applications of this ruling consider governmental mass surveillance an unreasonable breach of national security, whereby every surveilled American citizen is considered guilty before innocent.

In addition to this, it is clear that government surveillance has disproportionately burdened marginalized communities. This reflects both the historical patterns and the structural bias that is shown in modern-day technologies and practices. These mass surveillance programs have not only existed today but also started as early as the civil rights era with the FBI’s original COINTELPRO program that disrupted and continuously monitored civil rights organizations. *NAACP v. Alabama* has long recognized that government monitoring of political groups can suppress lawful association. The court held that the state could not force the NAACP to distinctly reveal membership lists. In the post 9/11 era, similar patterns of surveillance were used to map and monitor Muslim and Arab communities, many of which were not under individualized surveillance. *Hassan v. City of New York* challenged NYPD surveillance of Muslim communities, and *Fazaga v. FBI* acknowledged that surveillance programs targeting Muslim communities raise serious constitutional concerns under the First Amendment and the Equal Protection principles. Modern-day contemporary surveillance technologies further exacerbate these pre-existing issues. Systems such as facial recognition and predictive policing tools rely on historic data, much of which reflects years of bias and further produces higher error rates. These policies reinforce a cycle where marginalized groups are subjected to higher rates of surveillance and, as a result, more legal exposure. These groups are more likely to hold back from speaking freely, organizing, protesting, or even practicing religion in fear of heightened government scrutiny, despite all of these all being legal. Mass surveillance not only raises



general constitutional concerns, but it also deepens the pre-existing inequalities that undermine both the First and Fourth Amendment protections.

1. Seraphine F. Maerz, *Digital Authoritarianism and the Manipulation of Information* (2025).
 2. *Murthy v. Missouri*, 603 U.S. 43 (2024).
 3. R. Junagade, *The Chilling Effect: Post-Snowden Search Trends* (2026).
 4. *Laird v. Tatum*, 408 U.S. 1 (1972).
 5. *Smith v. Maryland*, 442 U.S. 735 (1979).
 6. *Carpenter v. United States*, 585 U.S. 296 (2018).
 7. *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958).
 8. *Hassan v. City of New York*, 804 F.3d 277 (3d Cir. 2015).
 9. *FBI v. Fazaga*, 595 U.S. 344 (2022).
-

IV. Conclusion

The existence of mass surveillance programs by government agencies are morally wrong as they violate human privacy rights in the digital world, chill free speech by suppressing resistant behavior, and disproportionately burden marginalized communities who continue to face hardship in the United States. Though argued for decades, a sound legal basis for government mass surveillance has yet to be established. Looking forward to the future of technological innovations, such as Artificial Intelligence and the continued prevalence of digital platforms influencing public opinion, mass surveillance through government agencies continues



to be challenged by advocates for civil rights. Though Congress continues to reauthorize surveillance programs, most recently by extending Section 702 of the Foreign Intelligence Surveillance Act (FISA) while negotiating a longer-term authorization of the Reforming Intelligence and Securing America Act (RISAA), courts have contrarily increasingly recognized digital privacy rights. Especially considering recent remarks by Congresswoman Alexandria Ocasio-Cortez calling FISA a "constitutional and civil rights crisis", the pushback against mass surveillance and the devolution of such powers is expected to grow in conversation both as a legislative talking point and contentious legal argument.

-
1. See 50 U.S.C. § 1881a (Section 702 of the Foreign Intelligence Surveillance Act).
 2. 170 Cong. Rec. H2415 (daily ed. Apr. 12, 2024) (statement of Rep. Alexandria Ocasio-Cortez).
-

UMBC Undergraduate Law Review
Volume [01] • Issue [01] • [Spring 2026]

Optional acknowledgments.

This article was prepared for the UMBC Undergraduate Law Review. All errors are the author'(s).

Article Outline

Abstract

Write last. Summarize the paper in 150–200 words: state the research question, the thesis (mass surveillance violates human privacy), key legal/historical examples used, and the paper's main conclusion. Do not introduce new information.

I. Introduction

June of 2013 was a turning point in the debate surrounding government mass surveillance. Edward Snowden has revealed to the public that the National Security Agency had been surveilling the electronic communications of Americans (Geiger, 2018). In more recent times, surveillance technology has expanded dramatically. With the introduction of Artificial Intelligence (AI) and other technology, it has become easier than ever for governments to monitor what its citizens are doing (West, 2025). In this paper, we argue that government mass surveillance programs are morally wrong because they violate the human right to privacy, chill free speech and expression, and perpetuate bias toward marginalized communities. First we discuss the pertinent legal background surrounding these issues. Then, we analyze the current usage of mass surveillance programs against this background. Finally, we conclude that government mass surveillance programs are immoral.

Hook / Opening Context

- Open with the 2013 **Snowden revelations** as the entry point into the surveillance debate.
 - NSA whistleblower Edward Snowden leaked documents revealing massive domestic surveillance programs targeting private communications of American citizens.
 - Public reaction split sharply — "hero" vs. "traitor" — and sparked global debate about government overreach.
 - Some opponents argued he violated the Espionage Act; others praised him for exposing unconstitutional conduct.

Stakes & Framing

- Surveillance technology has expanded dramatically — governments now have unprecedented ability to monitor communications, location data, and online behavior at scale.
- The central tension: national security interests vs. the fundamental human right to privacy.

- This paper argues that mass surveillance programs constitute a systemic violation of human privacy rights and cannot be fully justified by national security rationales alone.

Thesis Statement

Government mass surveillance programs are morally wrong because they violate the human right to privacy, chill free speech and expression, and perpetuates bias toward marginalized communities.

Roadmap

- Section II provides the legal background and timeline of key surveillance legislation and cases.
- Section III analyzes how mass surveillance violates the 1st and 4th Amendments, international human rights norms, and the principle of proportionality.
- Section IV concludes with implications and calls for reform.

II. Legal Background

Central to the debate surrounding mass surveillance is the right to privacy. This right was first established in the Supreme Court case *Griswold v. Connecticut* (1965). In *Griswold*, the Supreme Court found that the right to privacy is an implied right that is derived from the First, Third, Fourth, Fifth, and Ninth Amendments where personal protections are stated (Cornell Law School LII). The right to privacy was expanded in cases such as *Roe v. Wade* (1973) and *Lawrence v. Texas* (2003); however, recent rulings such as *Dobbs v. Jackson Women's Health Organization* (2022) have raised concerns about the Supreme Court potentially fully overturning the established right to privacy.

Overview

Trace the evolution of U.S. surveillance law from cold-war-era intelligence gathering to the post-9/11 expansion. Show how legal frameworks repeatedly expanded government surveillance power with inadequate privacy protections.

Key Legislation & Cases (in chronological order)

- Foreign Intelligence Surveillance Act (FISA) — 1978
 - Created the Foreign Intelligence Surveillance Court (FISC) to oversee surveillance warrants.
 - Designed as a check on executive surveillance power — but critics argue the secret court process lacks meaningful judicial independence.
- Executive Order 12333 — 1981
 - Authorized broad NSA signals intelligence collection outside FISA's framework.
 - Operates with little congressional or judicial oversight; used to justify bulk collection of data on Americans.
- USA PATRIOT Act — 2001
 - Passed weeks after 9/11, dramatically expanded law enforcement and intelligence surveillance powers.
 - Authorized bulk collection of telephone metadata under Section 215; justified as necessary for counterterrorism.
- FISA Amendments Act / Section 702 — 2008
 - Authorized NSA to collect internet communications of non-U.S. persons abroad — but incidentally collected vast amounts of American data.
 - Section 702 programs (PRISM, UPSTREAM) were central to the Snowden disclosures.
- United States v. Jones — 2012
 - Supreme Court held that attaching a GPS device to a vehicle constituted a Fourth Amendment search.
 - Signaled growing judicial concern about digital surveillance and privacy.
- Snowden Revelations — 2013
 - Confirmed bulk surveillance programs operating largely in secret, with rubber-stamp court approval.
 - Catalyzed domestic and international pressure for reform.
- Riley v. California — 2014
 - Supreme Court unanimously held police cannot search a cell phone without a warrant.
 - Recognized that cell phones contain deeply personal information — a landmark privacy ruling in the digital age.
- USA FREEDOM Act — 2015
 - Ended NSA's bulk telephone metadata program in response to Snowden fallout.

- Critics note it was a modest reform — many surveillance authorities remained intact.
- *Carpenter v. United States* — 2018
 - Supreme Court held that accessing historical cell-site location data requires a warrant.
 - Extended Fourth Amendment protections to digital location data; limited the third-party doctrine in digital contexts.
- Reforming Intelligence and Securing America Act (RISAA) — 2024
 - Reauthorized and expanded Section 702 surveillance authorities.
 - Critics argue it further entrenched mass surveillance with insufficient privacy safeguards.

Transition to Analysis

Despite incremental judicial pushback (*Jones*, *Riley*, *Carpenter*), Congress has consistently reauthorized and expanded surveillance powers. The legal framework remains structurally tilted toward government collection over individual privacy — setting the stage for the constitutional and human rights analysis in Section III.

III. Analysis

Mass surveillance of Americans by the United States government has manifested in a variety of unique ways today. While before it was primarily internet searches and cellphone records, contemporary digital campaigns capitalize on social media trends in order to influence public opinion. One such manifestation has been referred to by scholars as “digital authoritarianism” whereby control of the digital sphere by governments allows for the manipulation of how information is released and whether that information is truthful or not (Maerz 2025). This act is distinguished by deliberately flooding systems, primarily during elections, to influence public opinion. In court, however, manipulation of digital spaces by government entities evokes concerns surrounding Americans’ right to privacy and the censorship that comes with monitoring internet personalities. In the Supreme Court case *Murthy v. Missouri*, 603 U.S. 43 (2024), the Court ruled 6-3 that the Biden Administration did not coerce social media companies to suppress free expression by asking them to remove misleading posts,

specifically pertaining to COVID-19. While this ruling supported reducing the dissemination of disinformation regarding the virus, its implications for collusion between social media companies and government entities remain uncertain. With the current administration maintaining close relationships with executives of major technology corporations including Meta, Tesla, TikTok, Microsoft, Amazon, and more, *Murthy v. Missouri*'s significance grows as do concerns advocating for a separation between government entities and public-facing technologies.

Governmental mass surveillance, it is argued, also inhibits free expression through the chilling effect, a phenomenon in which people alter how they express themselves after realizing that they are being observed. The chilling effect plays an important role by suppressing behaviors in the context of contemporary mass surveillance. For example, studies and surveys post-Snowden documented measurable declines in searches for sensitive, but legal, topics (Junagade 2026). This fear that exists within American citizens, scholars argue, is antithetical of the First Amendment protections of free speech and expression. In an increasingly polarized and contentious political climate, civil rights advocates posit that surveillance of Americans can be used as a tool for political violence, disproportionately affecting protestors, journalists, or even other members of Congress. This argument, however, faces pushback from Supreme Court case *Laird v. Tatum*, 408 U.S. 1 (1972), in which the Court ruled 5-4 that the U.S. Army collecting data on domestic political activity did not showcase an objective harm nor threat of specific future harm, and any effect of chilling was too speculative to hold solid legal ground. Though this decision suggests that government mass surveillance does not constitute a legal controversy through the chilling effect, modern day digital surveillance programs may not apply as research around the phenomenon has grown in the past five decades as government mass surveillance

continues to be challenged in court. The occurrence of the chilling effect in and of itself emphasizes how deliberate, yet discrete, government suppression of free expression can be employed and may hold well in court against the mere existence of mass surveillance programs.

While the First Amendment alone provides a solid legal basis against mass surveillance, the risks do not stop there. Section 702 of FISA, for example, authorizes the U.S. government to surveil unaware Americans without a warrant. Though most would consider this a blatant violation of the Fourth Amendment, courts tend to be divided on what is classified as a warrantless search as opposed to a probable cause investigation. This foundation has been used as a legal argument in court case *Smith v. Maryland*, 442 U.S. 735 (1979), which held that the installation of a pen register — a device recording all phone calls from a telephone line — by law enforcement does not violate the Fourth Amendment because these numbers would, regardless, be recorded by the phone company. However, *Carpenter v. United States*, 585 U.S. 296 (2018), explores the limitations of this argument, holding by a narrow 5-4 majority that the government's acquisition of cell-site records violated the protections against warrantless searches and seizures. Chief Justice John Roberts in the majority opinion acknowledged that the Fourth Amendment not only protects against warrantless searches and seizures, but also “reasonable expectations of privacy”. What defines reasonable expectations of privacy has long been debated, but contemporary applications of this ruling consider governmental mass surveillance an unreasonable breach of national security, whereby every surveilled American citizen is considered guilty before innocent.

In addition to this, it is clear that government surveillance has disproportionately burdened marginalized communities. This reflects both the historical patterns as well as the structural bias that is shown in modern day technologies and practices. These mass surveillance

programs have not only existed today but starting as early as the civil rights era with the FBI's original COINTELPRO program that disrupted and continuously monitored civil rights organizations. In the post 9/11 era similar patterns of surveillance were used to map and monitor Muslim and Arab communities, many of which were not under individualized surveillance. Modern day contemporary surveillance technologies further exacerbate these pre-existing issues. Systems such as facial recognition and predictive policing tools rely on historic data, much of which reflects years of bias and further produce higher error rates. These policies reinforce a cycle where marginalized groups are subjected to higher rates of surveillance and as a result more legal exposure. These groups are more likely to hold back from speaking freely, organizing, protesting, or even as far as practicing religion in fear of heightened government scrutiny despite these all being legal. Mass surveillance not only raises general constitutional concerns but it also deepens the pre-existing inequalities that undermine both the first and fourth amendment protections.

IV. Conclusion

The existence of mass surveillance programs by government agencies are morally wrong as they violate human privacy rights in the digital world, chill free speech by suppressing resistant behavior, and disproportionately burden marginalized communities who continue to face hardship in the United States. Though argued for decades, a sound legal basis for government mass surveillance has yet to be established. Looking forward to the future of technological innovations, such as Artificial Intelligence and the continued prevalence of digital platforms influencing public opinion, mass surveillance through government agencies continues to be challenged by advocates for civil rights. Though Congress continues to reauthorize

surveillance programs, most recently by extending Section 702 of the Foreign Intelligence Surveillance Act (FISA) while negotiating a longer-term authorization of the Reforming Intelligence and Securing America Act (RISAA), courts have contrarily increasingly recognized digital privacy rights. Especially considering recent remarks by Congresswoman Alexandria Ocasio-Cortez calling FISA a "constitutional and civil rights crisis", the pushback against mass surveillance and the devolution of such powers is expected to grow in conversation both as a legislative talking point and contentious legal argument.

Sources

Maerz, S.F. (2025) How practices of digital authoritarianism harm democracy, Taylor & Francis.
<https://doi.org/10.1080/13510347.2025.2553826>.

Murthy v. Missouri, Oyez, <https://www.oyez.org/cases/2023/23-411> (last visited Apr 22, 2026).

Junagade, S. (2026) The Observational Collapse: How Digital Measurement Threatens
Civilizational Resilience, Social Science Research Network.
<https://dx.doi.org/10.2139/ssrn.6241298>.